REVIEWS AND ANNOTATIONS

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The new issue of Prague Law Faculty's open-source electronic periodical offers a set of working papers on various topics. The following provides a general outline of their content. Their full versions can be downloaded free of charge from http://www.prf.cuni.cz

Marvin Tador asks in the title of his through study "**Are Corporations Responsible for Human Rights Violations Under International Law?**" He maintains that in the 1970s, high-powered multinational companies were regarded as agents of European colonial powers. This prompted a tidal wave of support, particularly from developing States for irresponsible corporate behaviour. His text posits that because States are failing to prosecute irresponsible corporate behaviour and human rights abuses, international law provides a way to attribute liability to private corporations. It demonstrates the existence of numerous entities other than States and the United Nations in the international domain and dissects the oft-repeated objections by state-centric sceptics. The author then scrutinizes international legal personality and reflects on the quasi-international legal personality of corporations. He chronicles the United Nations' impact on transnational corporations and multinational companies compared to individuals under international law. Multiples sources of international law, utilizing transnational legal theory, are compiled to impute liability to private corporations. The study then maps a meandering course from the Nuremberg Military Tribunals to the United Nations, then to the International Criminal Tribunals and corroborates its central thesis. What is more, it exposes the unwitting handiwork of intertwining sources of international law, whereby our conventional international legal order attributes liability to corporations. The denouement unveils an unforeseen source of international law that gives credence to the central thesis.

Two authors, **Vladimír Pelc** and **Jiří Mulák**, treated in their contribution the topic of **Terrorism and Organized Crime: Two Challenges for Czech Criminal Law in the 21st Century**. Their paper focuses on exploring the possibilities of criminal law in the fight against terrorism and organized crime. The growing terrorist threats and the growing sophistication of the organized crime are clear impulses for the creation of more effective legislation, in the form of tools designed to prevent, punish and detect both serious and the first forms of crime. Research on criminal and criminal law instruments in an environment of democratic rule of law must be based on careful consideration of permissible interference with constitutional rights and free individuals. The authors then identify five research areas of both forms of crime, which are phenomenological aspects of leading crime, regional bases of criminal liability, including, for example, structural facts, sanctions, problems of legality, legitimacy and proportionality of criminal institutes and issues of investigation tactics and methodology. They conclude that the two forms of serious group crime mentioned in the title are closely linked, and therefore, if the legislator amends criminal law in the future, he should deal with it at the same time. Amendments to criminal law, in particular the Criminal Code, the Criminal Procedure Code, and the Act on Criminal Liability of Legal Entities and Proceedings Against Them, should be made on the basis of a thorough analysis, while also respecting criminological and criminalistics findings.

Nicole Jančová contributed an article titled **Reasoning with Previous Awards in International Investment Arbitration**. She argues there that the non-existence of the stare decisis doctrine in international investment law creates a potential for development of contrasting awards articulating opposing results for fundamentally same issues. Despite the non-existence of the stare decisis doctrine, tribunals do frequently rely on previous awards in order to maintain predictability of the international investment law. Arbitrators in international disputes, however, come from different legal

cultures. This cultural background possibly influences how they approach previously rendered awards and how they reason with them. In 2013, Professor Jan Komárek published a study where he distinguished two types of reasoning with previous decisions: case-bound technique and legislative technique. Professor Komárek linked the two techniques to common law and civil law culture respectively. Her present article applies those two general techniques to several international investment awards. By doing so, the article demonstrates that arbitrators in international treaty arbitration use both techniques when reasoning with the same awards and reaching decisions on similar matters. The article then considers whether one of the techniques is better suited than the other in leading towards a consistent case law in the environment of investment treaty arbitration.

Jiří Mulák dedicated his contribution to the **Principle of the Speed of Proceedings and Right to an Adequate Length of the Criminal Proceedings: European Context and Czech Reflection**. His paper deals with the principle of the speed of proceedings and the right to an adequate length of the proceedings. The attention is paid at first to the legal framework at both European and national levels, approach of the European Court of Human Rights to assessment of an inadequate length of criminal proceedings, followed by the principle of the speed of criminal proceedings in the Code of Criminal Procedure – its position in the system of fundamental principles, and to selected amendments whose aim was to accelerate criminal proceedings. Great attention is then paid to individual provisions of the Czech Code of Criminal Procedure which should contribute to fast and effective criminal proceedings. In the conclusion the author expresses the belief that the emphasising of faster criminal proceedings may, in its consequence, weaken other fundamental principles, such as the principle of the substantive truth, the principle of the right to defence or the principle of adequacy, because criminal proceedings do require some degree of thoroughness because they have essential impacts on human rights and freedoms.

Jan Exner contributed a paper titled **Between Prevention and Repression: Roles and Responsibilities of the Czech Olympic Committee in Anti-Doping Education**. He argues that anti-doping organizations overestimate the role of deterrence and repression and underestimate the role of prevention and education, which is a partial conclusion of the author's doctoral research. Therefore, he examines in his paper how anti-doping organizations should streamline education to reduce such imbalances. The author particularly focuses on the Czech Olympic Committee ("Czech NOC"), with which he has been in cooperation for five years. He clarifies and establishes the role of Czech NOC in anti-doping education and also formulates recommendations on how Czech NOC should effectively and sustainably exercise its educational responsibilities. His paper combines empirical and conceptual methods and uses both qualitative and quantitative data. The author argues that NOC plays an important role in anti-doping education, which is based on cooperation with the Czech Anti-Doping Committee ("Czech NADO"), Czech National Federations ("Czech NF"), athletes and other anti-doping stakeholders. The primary responsibility of Czech NOC in anti-doping education is to cooperate with Czech NADO, mainly to ensure that all athletes and their support personnel receive education before participating in the Olympic Games, or any event where Czech NOC participates or which it hosts. Moreover, Czech NOC should cooperate with Czech NFs and require them to conduct education in coordination with Czech NADO. The author also recommends how Czech NOC should simultaneously plan, implement, and annually evaluate its education program, in cooperation with athletes, Czech NADO, Czech NFs and other stakeholders.

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